

**PLANNING COMMISSION REPORT
Regular Agenda -Public Hearing Item**

PC Staff Report
1/25/2019

**ITEM NO. 13 PRELIMINARY DEVELOPMENT PLAN/SMARTCODE COMMUNITY
INFILL PLAN REDEVELOPMENT PROJECT 1401 W. 23RD STREET (SLD)**

ITEM NO. 13A COMMUNITY INFILL PLAN; SMARTCODE (SLD)

Consider a request to establish a community infill plan associated with a SmartCode application at 1401 W. 23rd St & 1300 W. 24th St. Submitted by Opus Development Company LLC, for George B. Leinmiller and Marlene J. Leinmiller, property owners of record.

**ITEM NO. 13C PRELIMINARY DEVELOPMENT PLAN; 1401 W 23RD ST & 1300 W 24TH
ST (SLD)**

PDP-18-00537¹: Consider a preliminary development plan (Community Infill Plan - SmartCode) for 23rd Street Mixed Use development including 119 residential units for a density of 27 dwelling units per acre and 8,811 square feet of retail space on property located at 1401 W. 23rd St & 1300 W. 24th St. Submitted by Opus Development Company LLC, for George B. Leinmiller and Marlene J. Leinmiller, property owners of record.

STAFF RECOMMENDATION: Planning Staff recommends approval of the community infill plan based upon the findings of fact presented in the body of the staff report and forwarding a recommendation for approval to the City Commission for approval

STAFF RECOMMENDATION: Planning Staff recommends approval of **PDP-18-00537**, Plan (Community Infill Plan - SmartCode) for 23rd Street Mixed Use development including 119 residential units for a density of 27 dwelling units per acre and 8,811 square feet of retail space on property located at 1401 W. 23rd St & 1300 W. 24th St., based upon the findings of fact presented in the body of the staff report and forwarding a recommendation for approval to the City Commission subject to the following conditions:

1. Revise plan to show pedestrian sidewalk connection to the northbound Naismith Drive transit stop.

¹ Project codes have not been added to innoprise for tracking purposes at this time. The PDP project number is used as a proxy for the *Infill Community Plan required in Article 400 of the SmartCode*. Future applications for community infill plans will be named as follows SCI-XX-XXXXX.

KEY POINTS

- A transect map for this property has not previously been adopted by the City of Lawrence.
- Request to zone for use of the SmartCode requires the submission and approval of an infill community plan also known as Article 4 applications.
- The preliminary development plan process is being utilized for efficiency and tracking of this initial infill community plan. The Planning Commission is not being asked to approve a preliminary development plan or any type of site plan with this application.
- Requirements for an infill community plan are set out in Section 21-400 of the SmartCode.
- The City Commission must approve an Infill Community Plan.
- Minimum neighborhood engagement is required when preparing an Infill Community Plan.

FACTORS TO CONSIDER

- Conformance with the SmartCode
 - Section 21-400 Infill Community Plan
 - Section 21-600 Transect Zones Details, Tables 1-15

PLANS AND STUDIES REQUIRED

- *Transect Map* – Required per Section 21-100.4.7
- *Traffic Study* – Required per Section 21-100.3.10
- *Downstream Sanitary Sewer Analysis* – not required for rezoning
- *Drainage Study* – Not required for rezoning
- *Retail Market Study* – Not applicable to request per 21-100.3.9.
 - Property is currently part of the retail inventory. Total retail area will be reduced by this project per the proposed plan.

ASSOCIATED CASES

- Z-18-00536; CS to T5 SmartCode, Item 13A – See staff report
- MS-18-00535; one lot preliminary plat, Item 13B –See staff report

OTHER ACTION REQUIRED

- City Commission approval of related rezoning and publication of ordinance.
- Submittal and approval of Article 5 building scale plan.
- Submittal and approval of public improvement plans.
- Application and release of building permits prior to development.
- Recording the minor subdivision with the Douglas County Register of Deeds Office.

ATTACHMENTS

1. Proposed Community Infill Plan/ Regulating Plan
2. Proposed Development Plan/ Civil Drawings
3. Traffic Impact Study
4. Drainage Study
5. Request for Warrants (deviations from requirements)
6. Building Elevations

PUBLIC COMMENT

- None received prior to publication

GENERAL INFORMATION	
Current Zoning and Land Use:	CS (Commercial Strip) District and RM32 (Multi-Dwelling

	Residential) District. Existing commercial, self-supporting wireless communication facility (tower) and vacant land.
Surrounding Zoning and Land Use:	
To the north, east. and west:	CS (Commercial Strip) District; existing commercial uses.
To the southeast:	OS (Open Space) District. Existing Naismith Valley Park.
To the south and southwest:	RM32 (Multi-Dwelling Residential) District. Existing multi-dwelling residential
Note: See Z-18-00536 regarding detailed summary of existing and proposed land uses.	

PROJECT SUMMARY (Applicant’s Summary)

The proposed project is a single 3-story building, approximately 140,250 square feet. Included in this total area is approximately 8,811 square feet of commercial tenant space. This commercial tenant space faces north, parallel to W. 23rd Street, and may be a single or multiple tenants. This project is being developed under the Smartcode, Transect Zone T-5.

General Site Orientation & Design:

The building is placed to the north, with a patio terrace that is an amenity to the commercial tenant spaces. The building is U-shaped, with the courtyard opening to the south. This courtyard will have an outdoor pool, and paved patio areas that include outdoor leisure furnishings, fire pit, and outdoor cooking features. An existing cross-access agreement with Natural Grocers maintains the eastern 23rd Street curb cut, and this cross-access drive supports retail and visitor parking for our project. Resident parking is primarily located at the south end of the property, with an access off 24th Street. A "Bike Oasis" feature is provided at the southeast corner of the property. This civic amenity is adjacent to an existing bike/walk trail. The resident parking area is fenced, with a secured access device.

Building Design:

The building is three-stories tall. The facades are composed of two types of masonry: brick and limestone. Accent wall materials include cement hardboard siding and trim, stucco, and metal panels. The facade at the commercial tenant area is delineated with a bold "eyebrow" canopy that cantilevers approximately 8 feet in depth, and provides an anchor for the tenant signage. This canopy will be finished in a pre-finished aluminum/resin core composite panel.

Resident Design:

Residents will have access to interior clubroom and fitness areas. A swimming pool and outdoor cooking areas are provided in an exterior, private courtyard.

The project as proposed is a single lot with multiple phases.. If approved, the preliminary development plan will be used as the baseline of development moving forward.

Table 1 Site Summary

Summary listed in square feet unless noted.	Existing	Percent	Proposed	Percent
Land Area:	4.44 Acres		4.44 Acres	
Total Footprint of Buildings:	.71 Acres (31,103.10)	15.99%	1.15 Acres (49,305)	25.90%
Total Impervious Area:	2.21 Acres	49.67%	3.10 Acres	70%

	(96,433.60)		(135,036.00)	
Total Pervious Area:	2.24 Acres (97,722.37)	50.33%	1.34 Acres (58,370.40)	30%

Table 2: Development Summary

	Required	Proposed
Building Height	Minimum 2 story Maximum 5 story	3 stories
Minimum Density²	24 dwelling units per acre minimum per T-5 (Urban Core District)	117 units (26.3 dwelling units per acre)
Other Uses	30% of 4.439 Acres 1.332 acres	Commercial Space 26,136 square feet total with surface parking 8,682 square feet enclosed retail space
		Civic Space (Bike Oasis) 1,306 square feet Civic Space (Terrace areas) 10,830 square feet
		Other – Industrial (Wireless Communication Facility) 5,762 square feet
Total Other Uses		23% The applicant is requesting a warrant with this application to allow less than the minimum allotment. See attached report for discussion of warrants.

PROCESS

- Infill project shall include an Article 4 application. Applications for the SmartCode have not been developed. The preliminary development plan application was submitted by proxy at the direction of staff to facilitate the project.
- Transect Map for review by the CRC (Consolidated Review Committee) and approval by the City Commission
- Concurrent zoning application per Section 20-1303 of the Land Development Code.

Key features of the SmartCode include a “Traditional Neighborhood Development that is compact, pedestrian orientated and mixed-use;” and where, “ordinary activities of daily living should occur within walking distance of most dwellings, allowing independence to those who do not drive”. Additionally, “civic and commercial activity should be embedded in mixed-use developments, not isolated in remove single-use complexes.” (21-100.2.2).

The SmartCode allows a developer to initiate, prepare, and submit for approval an infill community plan per section 21-400.1.4. This process requires public notice and neighborhood

² Density is defined in Article 7 as the number of units within a standard measure of land area.

meetings as part of the plan preparation. The applicant completed the necessary neighborhood meetings on October 3 and October 24, 2018.

STAFF ANALYSIS

This project has been submitted as an Infill Community Plan – T5 (Urban Center Zone). This zone consists of high density, mixed-use building types, but not the highest density, which is reserved for the Downtown District. Mixed-use buildings accommodate office, retail, and rowhouses. This zone is characterized with variable setbacks and landscaping. Streets typically define medium-sized blocks. Other transects are defined in Table 1, Section 21-600.1, of the SmartCode.

This project includes a single transect zone (T-5) as shown on sheet AS.2. A small civic space is located in the southeast corner of the site noted as the Bike Oasis. This space provides a connection between the proposed development and the public realm as a type of trailhead to Naismith Park.

Preliminary Development Plan Review

The proposed infill community plan has been evaluated based in part upon findings of fact and conclusions per Section 20-1304(d) (9) of the Land Development Code as a proxy for a similar review criterion.

1) *The Preliminary Development Plan's consistency with the Comprehensive Plan of the City.*

As discussed in the body of the related rezoning request *Horizon 2020* supports concepts of infill/redevelopment, mixed use, nodal development, and pedestrian scale. This application is intended to comply with these basic policies.

The proposed project introduces residential uses to the W. 23rd Street corridor where it is traditionally been relegated to a second tier use behind existing commercial development.

Staff finds that the proposed project is consistent with the following *Horizon 2020* policies.

"Development proposals shall be reviewed for compatibility with existing land uses. The review should include use, building type, density, and intensity of use, architectural style, scale, access and its relationship to the neighborhood, and the amount and treatment of screening and open space." (Policy 1.1, page 5-23)

"Medium- and higher-density developments should be arranged in small clusters as transitions from more intensive land uses, or located at the intersection of major street/roads." (Policy 1.3, page 5-23)

"Ensure that medium-and higher-density development occurs in areas which can be adequate and efficiently served by infrastructure" (Policy 1.5), page 5.24)

"Encourage pedestrian use and neighborhood interaction through inclusion of pedestrian easements and sidewalks in subdivision design." (Policy 2.2 (a), page 5.25)

"Encourage the provision of usable open space on site by clustering buildings to minimize the creation of narrow, marginal-use areas in front of and between buildings (Policy 2.4 (a), page 5-25)

Many of the policies regarding medium- and higher-density residential development speak to the importance of transitional methods when located near both more intense and less intense land uses, and ensuring compatibility with the surrounding area. The proposed infill redevelopment project is located within an established commercial corridor. Commercial space is proposed at the ground floor level and oriented to W. 23rd Street.

Residential development is located along W. 24th Street. Commercial uses are located along W. 23rd Street. The proposed development maintains a commercial orientation to W. 23rd Street.

Chapter 15, Place Making specifically addresses development when using the SmartCode. The following polices are applicable to this request:

Policy 1.2: Establish Community Types and Development Standards for each type

- b. Direct higher intensity Community Types to areas with existing infrastructure.

Policy 1.3: Establish mixed-use zoning categories as the building blocks for Community Types

- a. Establish mixed-use zoning categories based on the rural-urban transect to provide the elements for Community Types (T1:Natural, T2:Rural, T3:Sub-Urban, T4: General Urban, T5 Urban Center, T5.5 Special Urban Center)

Staff Finding – In staff’s opinion, the proposed development complies with the land use goals and policies for medium- and higher-density residential development and chapter 15of the comprehensive plan.

2) Preliminary Development Plan’s consistency with the Planned Development Standards of Section 20-701 including the statement of purpose.

Staff Note: the following review criteria are specific to Planned Developments. The SmartCode is intended to function as an independent zoning district, not as an overlay.

- a) **Ensure development that is consistent with the comprehensive plan.**
As discussed previously, staff finds that the development is consistent with the comprehensive plan.
- b) **Ensure that development can be conveniently, efficiently, and economically served by existing and planned utilities and services.**
Existing water, sanitary sewer, and stormwater infrastructure with appropriate improvements, subject to approval of public improvement plans, can conveniently serve the subject property.

As an infill community plan (SmartCode) project, a higher level of multi-modal integration is expected and required. The project’s ability to meet or exceed non-motorized and transit access is critical to the success of the project and to the conformance of the project with specific design criteria. Refer to the multi-modal/transit discussion of this project. The condition to provide an additional pedestrian connection from the neighborhood to the commercial area and from the

development to the transit stop will ensure adequate, efficient and convenient access to services in the area.

c) Allow design flexibility, which results in greater public benefits than could be achieved using conventional zoning district regulations.

This review criterion does not apply to this project. The SmartCode includes proscriptive design requirements set out in Section 21-600. Deviations from these requirements are proposed as warrants discussed separately in this staff report.

d) Preserve environmental and historic resources.

There are no historic resources located on or within proximity to this property. Such resources are considered to be "Buildings of Value". The regulatory floodplain is located to the southeast but does not encroach on this property.

e) Promote attractive and functional residential, nonresidential, and mixed-use developments that are compatible with the character of the surrounding area.

The proposed development represents reinvestment within the existing commercial corridor as a mixed use development.

Staff Finding – The proposed infill community plan is consistent with the conformance with the comprehensive plan. The SmartCode accommodates design flexibility that is sensitive to the context of the existing development pattern.

3) The nature and extent of the common open space in the Planned Development.

The SmartCode does not prescribe a specific amount of open space required per dwelling unit or per project. A conventional planned development requires 20% of the lot area to be open space with a percentage of the space being accessible for "active recreation". The T-5 (Urban Center Zone) requires the inclusion of mixed uses, other than residential. Section 21-400.5.1 specifies the requirements for Civic Functions.

21-400.5.1

- a. Places for public use shall be required for each community and designated on the infill plans Civic Spaces (CS) and Civic Building (CB).
- b. Civic Spaces shall be public sites permanently dedicated to open space.
- c. Civic Buildings shall be public sites dedicated for buildings operated by governmental or non-for-profit organizations dedicated to culture, education, government, transit, and municipal parking, or for uses approved by the City Commission.

This project includes only one lot. Civic buildings are not a proposed use or function. Civic spaces are proposed as a Bike Oasis in the southeast corner of the site and a terrace and green space located along W. 23rd Street. The nearest civic building, Schwegler Elementary School, is located to the northwest, within a quarter mile of the project. This would be located within what is referred to in the SmartCode as part of the standard pedestrian shed.

The site includes 1.34 acres of open space within the development. A portion of this area is interior to the development and provides active recreation within the secured portion of the property. The Bike Oasis area along W. 24th Street and Naismith Drive. A terrace/green space area is located along W. 23rd Street. Both areas provide civic access to the public, connectivity to

the multi-use trail, and access to the public park property to the southeast. The total open space represents 30% of the site.

Staff Finding – This design standard exceeds what would be required of a conventionally zoned mixed-use development with a planned development overlay and is consistent with the expectation of the SmartCode

4) The reliability of the proposals for maintenance and conservation of the common open space.

Land uses with the proposed development, including civic spaces are managed as part of the Infill Community Plan, and will be additionally reviewed as part of an Article 5 application (preliminary and final site plan) subject to administrative review. The Article 5 applications will have the full force and standing as a site plan in the Land Development Code obligating the applicant to comply with the approved project.

Staff Finding – The property owner, per the approved plan, will maintain all improvements within the boundary of the project. Civic spaces shown on the infill community plan are private but must maintain a public accessibility aspect.

5) The adequacy or inadequacy of the amount and function of the common open space [Civic Space per SmartCode] in terms of the densities and dwelling types proposed in the plan.

Staff has revised this criterion with respect to the provision of adequate civic space (open space) within the development. The Bike Oasis space is relatively small. The space is designed to accommodate trailhead access to the public park to the south and the multi-use path along the west side of Naismith Drive. The terrace area and green space along W. 23rd Street provides an area that interfaces between the public sidewalk/street network and the private property. The terrace area parallels the shopfront space of the building with a green space along the backside of the public sidewalk. Both spaces along W. 23rd Street appear to be suitably large to accommodate pedestrian activity.

The project includes additional open space as an interior courtyard for the residents. This space is private and an amenity for the residential development. It is not intended for or designed to accommodate public access. The private courtyard area provides approximately 397 square feet per dwelling unit, excluding public civic spaces.

Staff Finding – The project does not require open space specific to residential uses within the development. Open space is provided for residents and publically accessible civic use areas as required in the SmartCode.

6) Whether the Preliminary Development Plan makes adequate provisions for public services, provides adequate control over vehicular traffic, and furthers the amenities of light and air, recreation and visual enjoyment.

In addition to conventional municipal services, the SmartCode places heavy emphasis on pedestrian facilities. The property is located within a developed commercial corridor with conventional development patterns. The property is currently provided with municipal services in terms of water, sanitary sewer, and storm sewer services.

The project includes the closure of the western driveway to W. 23rd Street. The eastern driveway provides three quarters access to W. 23rd Street, restricting only the left-turn out movement. This driveway configuration is identical to the driveway for Natural Grocer to the east. City staff reviewed the applicant’s traffic study and noted significant concerns about the proposed design. The proposed change is expected to generate more traffic to the site. The proximity of the drive to the intersection is likely to result in the interference of the intersection operation by a vehicles queue for left turns. Staff is continuing to evaluate this driveway and may recommend that the driveway be designed as a right-in, right-out only driveway with the submission of an Article 5a and 5b application (site plan equivalent). Approval of this plan does not convey approval of the final driveway design.

The project shares cross access with the adjacent property to the east via private drives. A new driveway from W. 24th Street will provide access to a secured parking lot area.

Provisions for Fire/Medical access and solid waste access have been demonstrated as part of the infill community plan.

Pedestrian connections are critical design considerations for this project. Public sidewalks are a minimum design requirement. The sidewalk width varies depending on the street type and function. Conventionally, sidewalks along arterial streets are required to be constructed a minimum of 6 feet wide, a multi-modal recreation paths require a minimum of 10 feet. The SmartCode requires a 6-foot wide sidewalk for a street type ST-60-34. This is a local street type with 60 feet of right-of-way and 34 feet of pavement. This typology would be applicable to any local street. The city standard is to provide only 5-foot wide sidewalks for these types of street facilities.

Street	Street Assembly Type (SmartCode)	Design Characterizes		
		ROW	Sidewalk	Street
W. 23 rd Street Existing Principal Arterial Street	AV-90-56	90 feet Existing 100 feet	10 feet	Four lanes parking on both sides.
W. 24 th Street Existing Principal Collector Street	CS-60-34	60 feet Existing 60 feet	13 feet Existing partial 5-foot	Two lanes with parking on both sides

The proposed infill community plan shows 5’ sidewalks along W. 24th Street and 6’ sidewalks along W. 23rd Street, consistent with current city street standards. Additionally, the plan shows on-street parking as required by the SmartCode. The actual development of the site would not include this design feature. The street design is shown for context and how the development could comply with the street typology. The development of the site with conventional street design/profiles is a deviation that reflects the prevailing characteristic of the adjacent public streets. It is unreasonable to assume or require this development to include changes to only a very small segment of the public street network.

Reconstructing any public street to a SmartCode compliant street typology requires action by the City Commission to approve a plan for implementation of the specific street type. This single redevelopment project is insufficiently large enough to reconsider the peripheral street network at this time. Staff is disregarding the street right-of-way, travel lanes, and on-street parking in this

context. However, the public frontage areas are expected to comply with applicable SmartCode design standards for sidewalks, land use, green space, and landscaping design standards.

The project is located along a designated multi-use path and has a proposed connection to a public park. The multi-use path provides a key non-motorized mode of transportation to the development. The plan, as proposed does not include connectivity from W. 24th Street to the commercial area or connectivity between the development and the transit stop. The image below shows a connection that would provide improved pedestrian connection between the development, the multi-use path, transit stop, and the community.

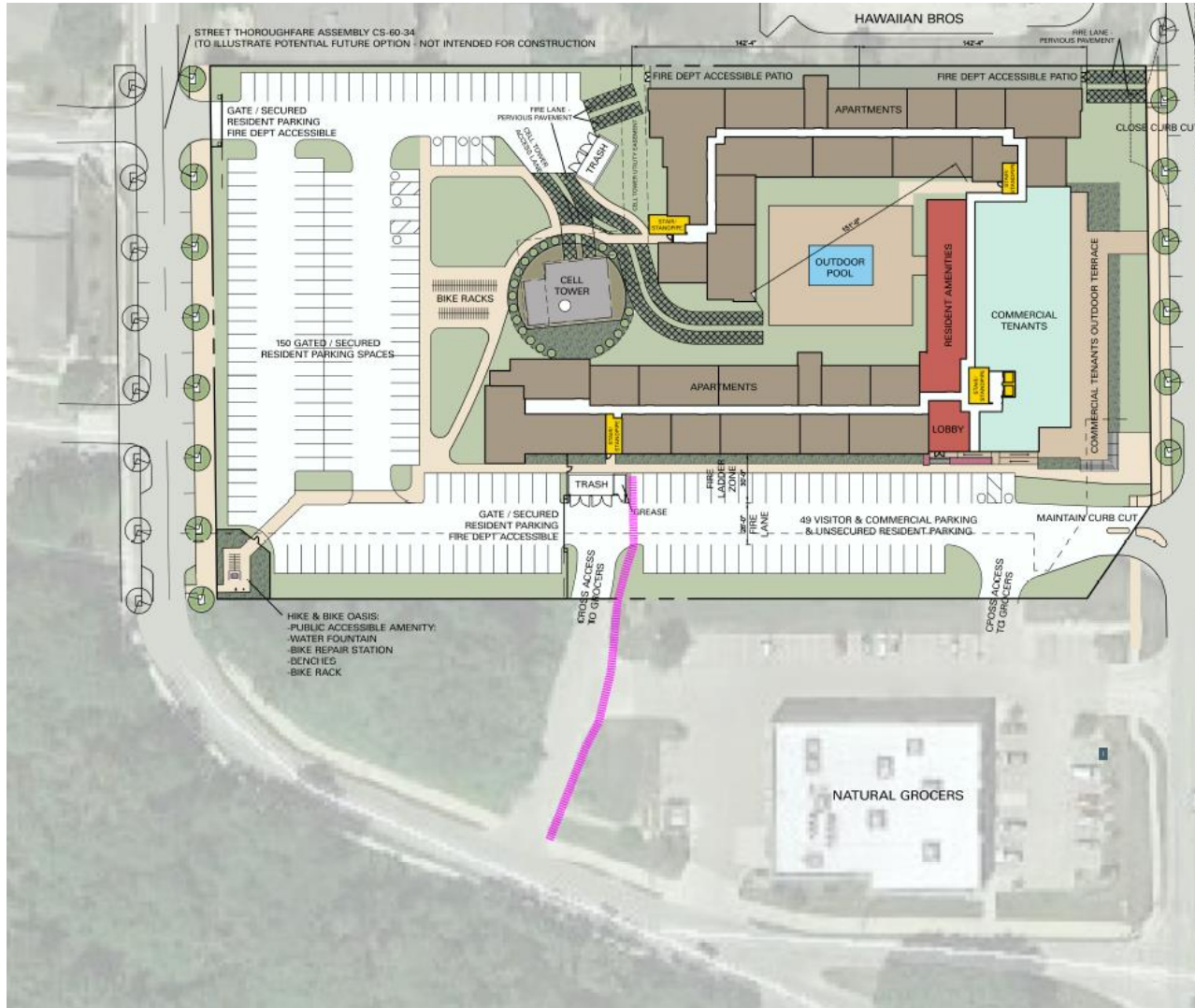


Figure 1: Recommended pedestrian connection

The connection is recommended along the north side of the drive to provide the most direct pedestrian connection. This shared driveway is located within public right-of-way. It is an existing drive that will be maintained and serves the existing development.

Staff Finding – Infrastructure and system capacity are conceptually available to the development area. Certain public improvements are required for the project including public sidewalk design and pedestrian connections to the northbound Naismith Drive transit stop.

7) Whether the plan will measurably and adversely impact development or conservation of the neighborhood area by:

- a) doubling or more the traffic generated by the neighborhood;**
- b) proposing housing types, building heights or building massings that are incompatible with the established neighborhood pattern; or**
- c) increasing the residential density 34% or more above the density of adjacent residential properties.**

These criteria are specific to a planned development. An infill community plan shall be based on conserving, completing, or creating transect based urban structure. This project includes only one lot but is designed to incorporate existing development to the east. The plan demonstrates connectivity to, and enhancement of, transportation modes (bike, pedestrian, and transit).

Staff Finding – The proposed development is unique in its location and the use of the SmartCode for implementation of a mixed-use development.

8) Whether potential adverse impacts have been mitigated to the maximum practical extent.

This project is unique in the community and unique in the application of the SmartCode to accommodate a mixed-use development. The infill community plan is intended to be considered conceptually with the additional application to specific details of the development as a lot specific and/or building specific development application per Article 5a and 5b SmartCode Submissions.

A key issue, yet to be resolved, is driveway access to W. 23rd Street as either a three-quarter access or a restricted right-in, right-out only driveway. Appropriate functioning of W. 23rd Street as a principal arterial street must be maintained.

Staff Finding – This review generally assumes the approval of the infill community plan by the City Commission and the corresponding approval of the SmartCode rezoning. Denial of either request will result in delay of the project.

9) The sufficiency of the terms and conditions proposed to protect the interest of the public and the residents of the Planned Unit Development in the case of a plan that proposes development over a period of years.

This project is not a phased development. There are no recommended conditions necessary to ensure compliance over time.

Staff Finding – This review criterion is not applicable to this application.

Staff Review and Conclusion

The preliminary development plan findings of fact have been adapted and modified to assess basic elements of the proposed Infill Community Plan. The SmartCode does not specify any specific findings of fact or review criteria as a framework for evaluation.

The attached review provides an additional evaluation of the proposed Infill Community Plan for consideration by the Planning Commission as an advisory board in this review process.